

Hon. John C. Coughenour

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

JEFFREY CHEN, individually,

Plaintiff,

v.

CITY OF MEDINA, a public agency and  
Washington noncharter code city; DONNA  
HANSON, in her official and individual  
capacities; BRET JORDAN, in his official and  
individual capacities,

Defendants.

Case No. 11-cv-02119-TSZ

DECLARATION OF MARIANNE K.  
JONES IN SUPPORT OF PLAINTIFF  
CHEN'S MOTION FOR SANCTIONS

I, MARIANNE K. JONES, hereby declare under penalty of perjury under the laws of the United States and the State of Washington, that the following is true and correct to the best of my knowledge:

1. I am counsel for Plaintiff in this matter. I am over the age of 18 years, competent to testify as a witness herein, and make this declaration based on my personal knowledge.

PAGE 1 – DECLARATION OF MARIANNE K. JONES IN SUPPORT OF PLAINTIFF  
CHEN'S MOTION FOR SANCTIONS

1           2.       On August 19, 2014, following the Court's order directing Defendants to  
2 produce a hard drive it had previously withheld from Plaintiff through discovery, Defendants  
3 finally produced the hard drive to my client. After reviewing the contents of the hard drive, I  
4 discovered the following material that show extreme prejudice to Plaintiff and warrants  
5 sanctions against Defendants:

- 6           a.       Exhibit A: October 15, 2009 Executive Summary to City Manager, from  
7 Police Chief Jeffrey Chen to City Manager Donna Hanson with a printout of  
8 metadata details of the file showing creation and modification dates of  
9 October 23, 2009;
- 10          b.       Exhibit B: December 31, 2008 Memo from Police Chief Jeffrey Chen to City  
11 Manager Donna Hanson regarding "2009 Police Department Goals" with a  
12 printout of metadata details of the file showing creation and modification  
13 dates of December 30, 2008;
- 14          c.       Exhibit C: February 18, 2010 Memo from Police Chief Jeffrey Chen to City  
15 Manager Donna Hanson regarding the "Impact to Police operations related to  
16 impending facility move" with a printout of metadata details of the file  
17 showing creation and modification dates of February 18-19, 2010;
- 18          d.       Exhibit D: October 28, 2010 Memorandum from Police Chief Jeffrey Chen to  
19 the Medina Police Department file regarding "Don Eagon Comment" with a  
20 printout of metadata details of the file showing creation and modification  
21 dates of October 26-27, 2010;
- 22          e.       Exhibit E: March 7, 2007 Status Update Memo from Police Chief Jeffrey  
23 Chen to the City of Medina Mayor and City Council regarding "Enhanced  
24

PAGE 2 – DECLARATION OF MARIANNE K. JONES IN SUPPORT OF PLAINTIFF  
CHEN'S MOTION FOR SANCTIONS

Public Safety Systems (EPSS)” with a printout of metadata details of the file showing creation and modification dates of March 7, 2007;

f. Exhibit F: December 29, 2008 Memo from Police Chief Jeffrey Chen to City Manager Donna Hanson regarding “Police Chief Emergency Pay”;

g. Exhibit G: A snapshot printout of metadata of Outlook Data files dated February 1, 2011, December 20, 2010, and June 5, 2001;

h. Exhibit H: Printout of metadata details of documents entitled “Medina Police Department” showing creation, modification and viewing dates of December 23, 2008;

i. Exhibit I: Printout of calendar dated December 2010

j. Exhibit J: SecureFocus email listing

3. This clearly establishes that Chief Chen did not wipe the hard drive clean as alleged by Michael Bolasina and Ellen Lenhart.

EXECUTED AT Bellevue, Washington, this 20<sup>th</sup> day of August, 2014.

/s/ Marianne K. Jones  
MARIANNE K. JONES

PAGE 3 – DECLARATION OF MARIANNE K. JONES IN SUPPORT OF PLAINTIFF CHEN’S MOTION FOR SANCTIONS

**CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2014, I caused the foregoing Declaration of Marianne K. Jones in Support of Plaintiff's Motion for Sanctions and attached exhibits to be served on counsel for Defendants via the Court's CM/ECF:

**SERVED PERSONS:**

Stephanie R. Alexander  
Matthew Macario  
Michael & Alexander, attorneys for Defendants

Email: [Stephanie@michaelandalexander.com](mailto:Stephanie@michaelandalexander.com)  
[matthew@michaelandalexander.com](mailto:matthew@michaelandalexander.com)

DATED this 20<sup>th</sup> day of August, 2014.

/s/ Marianne K. Jones  
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MARIANNE K. JONES

PAGE 4 – DECLARATION OF MARIANNE K. JONES IN SUPPORT OF PLAINTIFF  
CHEN'S MOTION FOR SANCTIONS